

UNITED STATES DISTRICT COURT

Southern

District of

Texas

Leonard Firth

BILL OF COSTS (CORRECTED)

V.

Don McGill of West Houston, Ltd.
f/k/a Don McGill Toyota, Inc.

Case Number: H-04-0659

Judgment having been entered in the above entitled action on _____ against _____ Defendant
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 150.00
Fees for service of summons and subpoena	380.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	1,137.06
Fees and disbursements for printing	
Fees for witnesses (itemize on reverse side)	160.00
Fees for exemplification and copies of papers necessarily obtained for use in the case	956.20
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	3,610.04
TOTAL	\$ 6,396.30

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Brian Chandler, Attorney for Defendant

Signature of Attorney:

Name of Attorney: Joseph Y. AhmadFor: Plaintiff, Leonard Firth

Name of Claiming Party

Date: January 30, 2005

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By:

Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Don McGill 21555 Katy Fwy. Katy, Texas 77450	1	40.00					40.00
Julie Pickett 21555 Katy Fwy. Katy, Texas 77450	1	40.00					40.00
Aaron Johnson 5427 Atascocita Timbers North Humble, Texas 77346	1	40.00					40.00
Darryl Stewart Charter One 8402 Nelms Houston, Texas 77061	1	40.00					40.00
					TOTAL		\$ 160.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

**LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.**

Exhibit 1. Filing Fees

Date	Description	Amount	Page reference in exhibit 1
2/20/04	Filing Fee	\$150.00	1
Subtotal		\$150.00	

Exhibit 2. Service Fees

Date	Description	Amount	Page reference in exhibit 2
3/22/04	Roy Diaz	\$60.00	1
Subtotal		\$60.00	

Exhibit 3. Witness & Subpoena Fees

Date	Description	Amount	Page reference in exhibit 3
1/9/06	Witness fee - Don McGill	\$40.00	1
1/9/06	Witness fee - Julie Pickett	\$40.00	2
1/9/06	Witness fee - Aaron Johnson	\$40.00	3
1/9/06 and 1/12/06	Subpoenas served on Don McGill, Julie Pickett, and Aaron Johnson	\$220.00	4
1/13/06	Witness fee - Darryl Stewart and Subpoenas served on Aaron Johnson and Darryl Stewart	\$140.00	5
Subtotal		\$480.00	

Exhibit 4. Court Reporter Fees

Date	Description	Amount	Page reference in exhibit 4
10/26/04	Deposition of Leonard Firth	\$352.65	1
11/9/04	Depositions of Julie Pickett	\$322.76	2

Date	Description	Amount	Page reference in exhibit 4
11/9/04	Depositions of Don McGill	\$461.65	2
Subtotal		\$1,137.06	

Exhibit 5. Record Services Fees

Date	Description	Amount	Page reference in exhibit 5
3/31/05	Records from Charter One Aviation	\$105.05	1
3/31/05	Records from Continental Airlines	\$66.55	2
Subtotal		\$171.60	

Exhibit 6. Mediation Fee

Date	Description	Amount	Page reference in exhibit 6
12/14/05	Sandage ADR	\$1,000.00	1
Subtotal		\$1,000.00	

Exhibit 7. Trial Equipment

Date	Description	Amount	Page reference in exhibit 7
1/11/06	Rental of equipment for trial - projector, screen - including delivery, set up, testing and removal	\$2,436.71	1
Subtotal		\$2,436.71	

Exhibit 8. Copying Charges

Date	Description	Amount	
7/2005	Exemplary copy charges for documents filed with Court - Response to Motion for Summary Judgment (137 pages X \$.20/page)	\$27.40	
1/2006	Exemplary copy charges for documents used at trial - Exhibits, Jury Charge (4,644 X \$.20/page)	\$928.80	
Subtotal		\$956.20	

Exhibit 9. PACER

Date	Description	Amount	
9/2004		\$0.35	
12/004		\$0.14	
3/2005		\$0.60	
9/2005		\$0.32	
12/2005		\$0.32	
Subtotal		\$1.73	

TOTAL COSTS

1. Filing Fees	\$150.00
2. Service Fees	\$60.00
3. Witness & Subpoena Fees	\$480.00
4. Court Reporter Fees	\$1,137.06
5. Record Services Fees	\$171.60
6. Mediation Fee	\$1,000.00
7. Trial Equipment	\$2,436.71
8. Copying Charges	\$956.20
9. PACER	\$1.73
GRAND TOTAL	\$6,393.30

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 1

NAME: Clerk, U.S. District Court

CUSTOMER NO:

INVOICE NO:

18383

DATE: 02/20/04

Check No: 18383

MEMO: FIR002 - Filing fee



Ahmad, Zavitsanos & Anaipakos, P.C.
OPERATING ACCOUNT
1221 McKinney, Suite 3460
Houston, Texas 77010-2009
713-655-1101 Fax 713-655-0062

ENCOREBANK
35-9384/130

18383

PAY
TO THE
ORDER
OF

One Hundred Fifty And 00/100 Dollars***

Clerk, U.S. District Court

DATE
02/20/04

AMOUNT
\$ 150.00

⑈018383⑈ ⑆113093849⑆

⑈05000344⑈

Fri Feb 20 16:39:09 2004

UNITED STATES DISTRICT COURT

HOUSTON, TX

Receipt No. 4 541475
Cashier steven

Check Number: 18383

DD Code Div Mo
4679 4

Sub Acct	Type	Tender	Amount
1:006900	N	2	60.00
2:510000	N	2	90.00

Total Amount \$ 150.00

AHMAD ZAVITSANOS & ANAIPAKOS

H-04-0659

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Security features. Details on back.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 2

F-LR01

INVOICE		(713) 655-1101		(713) 446-4540	
SOLD TO			SHIP TO		
Mr. Joseph Y. Ahmad			Roy Diaz, Jr.		
ADDRESS			ADDRESS		
1221 MS Kinney St. #3460			6623 Deer Ridge Ln.		
CITY, STATE, ZIP			CITY, STATE, ZIP		
Houston, TX (77010)			Houston, TX (77086)		
CUSTOMER'S ORDER NO.		SALESPERSON	TERMS	F.O.B.	DATE
Eugene Corp					3-22-04
(Billing FIR 002)					
Federal Summons (Civil Case # H-04-0659)					
Leonard Fifth Vs. AN					
Don McGill of West Houston, LTD. F/K/A					
Don McGill Toyota, Inc.					
Picked up at your office 3/16/2004 @ 9:35 AM					
Delivered at 1621 Main St #1150 Houston TX (77002)					
To IT CORP System c/o Lynne Kay on 3-16-04 @ 9:50 AM					
File stamped & delivered to your office					
3/22/04					
# 70 X					

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 3

Ahmad, Zavitsanos & Anaipakos, P.C.

22314

NAME: Don McGill

CUSTOMER NO:

INVOICE NO:

DATE: 01/09/06

Check No: 22314

MEMO: FIR002 - Witness fee for trial subpoena



Ahmad, Zavitsanos & Anaipakos, P.C.
OPERATING ACCOUNT
1221 McKinney, Suite 3460
Houston, Texas 77010-2009
713-655-1101 Fax 713-655-0062

ENCOREBANK

35-9384/130

22314

DATE

01/09/06

AMOUNT

\$ 40.00

PAY
TO THE
ORDER
OF

Forty And 00/100 Dollars***

Don McGill
21555 Katy Freeway
Katy, TX 77450

⑈022314⑈ ⑆113093849⑆

⑈050003441⑈

Security features. Details on back.

Ahmad, Zavitsanos & Anaipakos, P.C.

22315

NAME: Julie Pickett

CUSTOMER NO:

INVOICE NO:

DATE: 01/09/06

Check No: 22315

MEMO: FIR002 - Witness fee for trial subpoena



Ahmad, Zavitsanos & Anaipakos, P.C.
OPERATING ACCOUNT
1221 McKinney, Suite 3460
Houston, Texas 77010-2009
713-655-1101 Fax 713-655-0062

ENCOREBANK

35-9384/130

22315

DATE

01/09/06

AMOUNT

\$ 40.00

PAY
TO THE
ORDER
OF

Forty And 00/100 Dollars***

Julie Pickett
21555 Katy Freeway
Katy, TX 77450

⑈022315⑈ ⑆113093849⑆

⑈050003441⑈

Security features. Details on back.

Ahmad, Zavitsanos & Anaipakos, P.C.

22311

NAME: Aaron Johnson

CUSTOMER NO:

INVOICE NO:

DATE: 01/09/06

Check No: 22311

MEMO: FIR002 - Witness fee for trial subpoena



Ahmad, Zavitsanos & Anaipakos, P.C.
OPERATING ACCOUNT
1221 McKinney, Suite 3460
Houston, Texas 77010-2009
713-655-1101 Fax 713-655-0062

ENCOREBANK

35-9384/130

22311

DATE

01/09/06

AMOUNT

\$ 40.00

PAY
TO THE
ORDER
OF

Forty And 00/100 Dollars***

Aaron Johnson
7530 Brompton St., #859
Houston, TX 77025

⑈022311⑈ ⑆113093849⑆

⑈05000344⑈

FIR 002
1816

Page 1 of 2

Raul 'Roy' Diaz, Jr.
JoSa Bo Civil Process
6623 Deer Ridge Lane
Houston, Texas 77086

(713) 446-4540

CUSTOMER'S ORDER NO.		DEPT.	DATE 1-13-06	
NAME: Atty. J.Y. Ahmed				
ADDRESS: 1229 McKinney St., #3460				
CITY, STATE, ZIP: Houston, Tx. (77010)				
SOLD BY: C/O Gigi Cox	CASH	C.O.D.	CHARGE	ON ACCT.
			MDSE RTD.	PAID OUT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
(4)	- Billing to: FIR 002 -		
(3)	Subpoenas for Federal Court H'04-CV-0659		
	Attempt each CT 21,555 Katy Hwy., TX		
(9)	Don Megill on 1/9/06 at 1:40 PM	\$70	00
(6)	Julie Pickett on 1/9/06 at 1:40 PM	\$140	00
	5427 Atascocita Trilena N.		
(1)	Arvon Johnson 7530 Swamp Rd	\$859	00
	Houston, Tx. del 1/12/06 @ 8:50 AM		
	"Rush" →	\$80	00
	(1817) ENT'D JAN 25 2006		
	(See page 2 of 2)		
		\$220	00

FIR002
1817

Raul 'Roy' Diaz, Jr.
JoSa Bo Civil Process
6623 Deer Ridge Lane
Houston, Texas 77086

(713) 446-4540

Page 2 of 2

CUSTOMER'S ORDER NO.		DEPT.	DATE:	
			1-13-06	
NAME: <i>Atty Ahmad</i>				
ADDRESS: <i>1221 McKinney ST. #3460</i>				
CITY, STATE, ZIP: <i>Hou Tx: (77010)</i>				
SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.
<i>C/o Gigi Cox</i>				
MEDSE RTD.		PAID OUT		

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	- Billing to: <i>FIR 002 -</i>		
2			
3	<i>FEDERAL COURT</i>		
4	<i>H-04-CV-0659</i>		
5	(d) <i>Danell Stewart</i>		
6	<i>8402 Helms Street</i>		
7			
8	<i>Houston, Texas (77061)</i>		
9	<i>(+ witness fee)</i>		
10	<i>Relivered 1/13/06 at 2:45pm</i>		
11	<i>"Rush" and ENTIRE JURY</i>		
12	<i>30 minutes</i>		
13	<i>-#1816-</i>		
14			
15			

RECEIVED BY: *(See page 1 of 2)*

\$140

\$40.00

\$100

\$140.00

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 4

DATE: October 26, 2004

INVOICE 04-271

GALLO REPORTING, INC.
Certified Shorthand Reporters
10 Twelve Pines Court
The Woodlands, Texas 77381-2622
(281) 364-0074 Fax (281) 364-8173

Mr. R. Scott Cook
Ahmad, Zavitsanos & Anaipakos
3460 One Houston Center
1221 McKinney St.
Houston, TX 77010-2009

Terms: Net 30 Days

Employer ID #76-0079997

NO. H-04-0659 In the United States District Court
For the Southern District of Texas
Houston Division

Leonard Firth
vs.
Don McGill of West Houston, Ltd

ENT'D NOV 1 2004

THE ORAL DEPOSITION OF:
(10-1-04)

CL

Leonard F. Firth

Copy & Exhibits
Mini/Index TRanscript - AScii

\$ 352.65
N/C

PAID
Check #: 20348
Amount: 352.65
Date: 1-10-05

FIR 002

Bayou City Reporting, Inc.
P. O. Box 4157
Houston, TX 77210-4157
(713) 861-8589 Fax (713) 861-1729

INVOICE

TAX ID NO.: 76-0585469

Joseph Ahmad
Ahmad, Zavitsanos & Anaipakos, P.C.
1221 McKinney, Suite 3460
Houston, TX 77010

INVOICE NO.	DATE	JOB NUMBER
54444	11/09/04	01-7234
JOB DATE	REPORTER(S)	CASE NUMBER
11/04/04	KORESH	H-04-0659
CASE CAPTION		
Leonard Firth vs. Don McGill of West H		
TERMS		
DUE UPON RECEIPT		

For furnishing the original and a copy of the deposition of:
Julie Pickett

322.75
0.01

For furnishing the original and a copy of the deposition of:
Don McGill

461.65

TOTAL DUE >>>> 784.41

SL

ENT'D NOV 18 2004

PAID

Check #: 70410

Amount: 784.41

Date: 1-20-05

(713) 655-1101

Please detach and return this portion with your payment

Joseph Ahmad
Ahmad, Zavitsanos & Anaipakos, P.C.
1221 McKinney, Suite 3460
Houston, TX 77010

Invoice No.: 54444
Date: 11/09/04

TOTAL DUE : 784.41

Job No.: 01-7234
Case No.: H-04-0659
Leonard Firth vs. Don McGill of West H

Remit To: Bayou City Reporting, Inc.
P. O. Box 4157
Houston, TX 77210-4157

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 5

I N V O I C E

The Marker Group, Inc.
 13105 Northwest Freeway, Suite 300
 Houston, TX 77040
 (713) 460-9070 Fax (713) 460-6534

INVOICE NO.	DATE	TERMS
285146	03/31/2005	Due upon receipt
ORDER NO.	ORDER DATE	CAUSE NO.
01-58101-001	10/29/2004	H-04-0659
CASE CAPTION		
Firth vs McGill		
RECORDS PERTAINING TO		
Leonard Firth (File Under)		
SSN :		DOB :

Joanna Corser
 AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
 One Houston Center, Suite 3460
 1221 McKinney Street
 Houston, TX 77010-1009

RECORDS FROM

Charter One Aviation Attention: Daryl Stewart (Any & All Records)
 8402 Nelms Houston, TX 77061

1 SET OF Any & All Records RECORDS OF : 105.05
 Leonard Firth (File Under)

TOTAL DUE >>>> 105.05

ORDERED BY: Joseph Y. Ahmad
 AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
 One Houston Center, Suite 3460
 1221 McKinney Street
 Houston, TX 77010-1009

ENT'D APR 11 2004

PAID
 Check #: 21031
 Amount: 105.05
 Date: 4-21-05 *gn*

TAX ID NO.: 76-0526453

(713) 655-1101 Fax (713) 655-0062

Please detach and return this portion with your payment

Joanna Corser
 AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
 One Houston Center, Suite 3460
 1221 McKinney Street
 Houston, TX 77010-1009

Invoice No.: 285146
 Date: 03/31/2005
TOTAL DUE : \$ 105.05

Order No.: 01-58101-001
 Cause No.: H-04-0659
 Firth vs McGill

Remit To: The Marker Group, Inc.
 P.O. Box 4890
 Houston, TX 77210-4890

FIR002

INVOICE

The Marker Group, Inc.
13105 Northwest Freeway, Suite 300
Houston, TX 77040
(713) 460-9070 Fax (713) 460-6534

INVOICE NO.	DATE	TERMS
285147	03/31/2005	Due upon receipt
ORDER NO.	ORDER DATE	CAUSE NO.
01-58101-002	11/17/2004	H-04-0659
CASE CAPTION		
Firth vs McGill		
RECORDS PERTAINING TO		
Leonard Firth (File Under)		
SSN :		DOB :

Joanna Corser
AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
One Houston Center, Suite 3460
1221 McKinney Street
Houston, TX 77010-1009

RECORDS FROM

Continental Airlines Legal Department (Any & All Records)
1600 Smith Street, 41st Floor Houston, TX 77002

1 SET OF Any & All Records RECORDS OF : 66.55
Leonard Firth (File Under)

TOTAL DUE >>>> 66.55

ORDERED BY: Joseph Y. Ahmad
AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
One Houston Center, Suite 3460
1221 McKinney Street
Houston, TX 77010-1009

ENT'D APR 11 2004

PAID

Check #: 21030
Amount: 66.55
Date: 4-21-05

62

TAX ID NO.: 76-0526453

(713) 655-1101 Fax (713) 655-0062

Please detach and return this portion with your payment

Joanna Corser
AHMAD ZAVITSANOS & ANAIPAKOS, P. C.
One Houston Center, Suite 3460
1221 McKinney Street
Houston, TX 77010-1009

Invoice No.: 285147
Date: 03/31/2005
TOTAL DUE: \$ 66.55

Order No.: 01-58101-002
Cause No.: H-04-0659
Firth vs McGill

Remit To: The Marker Group, Inc.
P.O. Box 4890
Houston, TX 77210-4890

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 6

11/22/2005 10:17 7138778587

GREENWAY MEDIATION C

PAGE 01/02

Douglas S. Sandage

Sandage ADR
Alternative Dispute Resolution
3203 Mercer, Suite 200
Houston, Texas 77027
sandage@greenwaymediation.com
www.greenwaymediation.com

Telephone: 713-626-8899

Fax: 713-877-8587

November 22, 2005

Via Facsimile: 713-655-0062

Mr. Joseph Y. Ahmad
Ahmad, Zavitsanos & Anaipakos, P.C.
3460 One Houston Center
1221 McKinney Street
Houston, Texas 77010-2009

Via Facsimile: 713-266-1064

Mr. Brian M. Chandler
Ms. Jill D. Schein
Ramey, Chandler, McKinley & Zito, P.C.
750 Bering, Suite 600
Houston, Texas 77057

Re: Cause No. H-04-0659; *Leonard Firth vs. Don McGill of West Houston, Ltd. f/k/a Don McGill Toyota, Inc.*; In the United States District Court for The Southern District of Texas, Houston, Division.

Dear Counsel:

- PLEASE NOTE CORRECTED START TIME -

The parties have agreed to mediate this case on Wednesday, December 21, 2005 at 9:00 a.m. at the **Greenway Mediation Center**. Enclosed are Rules for Mediation, Attorney's Request for Mediation, and my resume. Please read this letter and enclosures carefully, as they state the requirements that will be observed at the mediation.

Successful mediations require the participation of the "people with the power." Generally, plaintiffs personally attend and have the power to settle. When claims representatives attend in place of a defendant, however, they must note that the "authority" to offer a predetermined sum is not the "power" to settle in the mediation context. "Power" means the discretion to substantially reevaluate the case based on developments at the mediation. Mediations should be attended by as powerful a claims representative as possible, but the mediator understands the attendee may need to

11/22/2005 10:17

7138778587

GREENWAY MEDIATION C

PAGE 02/02

from all other participating attorneys. Furthermore, the mediator must be informed in the first private session about the individual or group with the actual power to settle, and be allowed to confer with this individual or group as the day progresses.

The mediation fee is \$1000.00 per party. The number of lawyers independently representing parties determines the number of sides. Checks should be payable to Sandage ADR (Tax ID No. 76-0374107) and be business or cashier's checks. Please mail your check prior to the mediation or bring it to the mediation session.

Last-minute cancellations pose a problem not only for me, but also for other litigants who require my services. As a full-time mediator, I cannot offer reasonable fees without being partially compensated for last-minute cancellations. Therefore, any mediation date reserved more than three (3) weeks in advance and released with five (5) or fewer business days' notice is subject to being charged at my standard half-day rate of \$500.00, which may be applied to all parties.

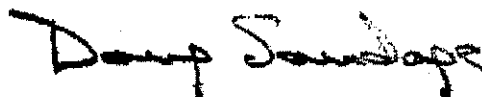
By December 20, 2005, please respond to the questions on the enclosed Request for Mediation in a confidential Mediation Memorandum, and return the signed Request for Mediation (not to exceed five pages):

1. Name and title of settlement representative(s) who will attend the mediation, and names and telephone numbers of counsel.
2. Status of discovery (complete; substantially complete; incomplete)
3. State whether you have enough information to make a settlement offer. If not, state what further information is needed
4. History of settlement offers
5. Disputed issues of fact and law
6. Concise statement of points (factual, legal, practical), which you believe, enhance your client's chance of winning at trial or achieving a favorable settlement.

If there are any special dietary or facilities' arrangements that need to be made for yourself or your clients, please notify me so that I can make such arrangements, if possible.

Thank you for your cooperation. I look forward to the opportunity to help you amicably resolve this matter, and if you have any questions, please do not hesitate to call.

Sincerely yours,



Douglas S. Sandage

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEONARD FIRTH,
Plaintiff,

VS.

DON MCGILL OF WEST
HOUSTON, LTD. F/K/A
DON MCGILL TOYOTA, INC.,
Defendant.

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§

CIVIL ACTION NO. H-04-0659

JURY TRIAL DEMANDED

JUDGE DAVID HITTNER

LITIGATION COSTS PAID BY
AHMAD, ZAVITSANOS & ANAIPAKOS, P.C.

EXHIBIT 7

FILED 002

P

Trial Solutions					
	<u>Duration(Days)</u>	<u>Retail/Unit</u>	<u>Retail</u>		
1 Canon LV-7565 Data Projector	3.00	\$520.00	\$1,560.00		
4400 ANSI lumens in true color mode					
5100 ANSI lumens in brighter mode					
		Hardware Total:	\$1,560.00		
Audio Visual					
1 Draper 70 x 70 Tripod Screen	3.00	\$42.50	\$127.50		
2 VGA Cables - 6'	3.00	N/C			
4 VGA Cables - 15'	3.00	N/C			
4 VGA Cables - 25'	3.00	N/C			
1 Kit, power ext and strips	3.00	N/C			
1 Extron SW4VGA 4 Input VGA Switcher	3.00	\$45.50	\$136.50		
		Audio Visual Total:	\$264.00		
		Equipment Subtotal:	\$1,824.00		
		Equipment Total:	\$1,824.00		
		Equipment Tax:	\$150.48		
LABOR					
<u>Date/Time</u>	<u>QTY</u>	<u>Personnel/Task</u>	<u>Duration(hrs.)</u>	<u>Unit Price</u>	<u>Extended</u>
JAN 12 06 07:30 10:00 AM	2	A/V Tech-Set Up	2.50	\$50.00	\$250.00
JAN 19 06 17:00 18:00 PM	2	A/V Tech-Strike	1.00	\$50.00	\$100.00
				Labor Total:	\$350.00
				Labor Tax:	\$28.88
				Delivery & Pickup:	\$77.00
				Delivery Tax	\$6.35
					\$2,436.71

PAID
 Check # : 22317
 Amount : 2436.71
 Date : 1-11-06